

## **REMARKS/ARGUMENTS**

Claims 1-3, 9-16 and 21-28 are pending in this application. Independent claims 1 and 15 are amended herein to recite that the socket portion is sized and shaped to closely fit the ball portion and that the distance between the interior surface of the socket and the surface of the ball portion inserted in the socket is substantially uniform. Support for this amendment can be found on page 2 of the specification and in Figures 5A, 6A and 7. All other claims depend from claims 1 and 15. No new matter is added by these amendments.

### Rejections Under 35 U.S.C. 103

In the Office Action of December 1, 2006, the Examiner rejected claims 1-3 and 9-14 under 35 U.S.C. 103 over Sanders (U.S. 235,300) in view of Rice (U.S. 2,108,927). The Examiner asserted that it would be obvious for one skilled in the art to combine the ball and socket joint disclosed in Sanders with the friction-producing assembly fixture of Rice to arrive at the present invention. Similarly, the Examiner rejected claims 15, 16 and 21-28, which further require a tab having one or more surface depressions, as being obvious over Sanders in view of Rice and Harris (U.S. 3,383,962), or alternatively over Sanders in view of Rice and Berman (5,800,243). Harris and Berman disclose a tab having one or more surface depressions, thus the Examiner asserted that it would be obvious to combine Sanders and Rice with Harris or Berman to arrive at claims 15, 16 and 21-28.

To establish a prima facie case of obviousness, there must be some suggestion or motivation to combine the references; a reasonable expectation of success; and the final combination must teach or suggest all of the claim limitations. See MPEP 2142. Applicants assert that the cited references do not teach or suggest all of the limitations as recited by the amended claims.

In a telephone interview on March 7, 2007, Examiners Daniel Mills and Daniel Stodola indicated that the cited references could be overcome if the claims were

amended to include language that clearly detailed a constant and uniform distance between the entire outer surface of the ball and the entire inner surface of the socket. Applicants would like thank the Examiners for their time and attention during the interview. Accordingly, independent claims 1 and 15 are amended herein to recite that the socket portion is sized and shaped to closely fit the ball portion. Furthermore, claims 1 and 15 are amended to recite that the distance between the interior surface of the socket portion and the surface of the ball portion is substantially uniform across the entire ball portion that is inserted within the socket.

This is in contrast to Sanders where the distance between the ball surface and interior socket surface increases at different positions along the ball surface. The curved recesses (d) and hemispherical ends (e) described in Sanders correspond to the socket surface and ball surface, respectively, of the present claims. The description in Sanders states that the curved recesses (d) are longer than the hemispherical ends (e) of member *a*, allowing the joint to bend to a greater extent (lines 77-83). Because the curved recesses are longer than the hemispherical ends, one section of the joint will have a large gap between the recess (the socket surface) and the hemispherical end (ball surface), even when the joint is flexed (see Figure 6). Figures 1, 2 and 6 show that while there may be a small gap between the hemispherical end (e) and curved recess (d) at the shoulder (g) and near the pin (h), the distance between the recess and hemispherical end increases at points further away from the shoulder. As shown in Figures 1 and 2, the surface of the curved recess (line d) extends upwards and away from the hemispherical end (e). In Figures 1 and 2, the distance between the hemispherical end (e) and the recess (d) is much greater at the top of the ball portion than at the shoulder (g).

This shows that the socket of Sanders does not closely fit the ball portion, and that the distance between the interior socket surface and the ball surface is not uniform across the entire surface of the ball portion inserted within the socket. Rice and Harris (or Berman) likewise do not teach or suggest a joint where the ball portion is inserted

into a socket portion so that the whole ball surface is at a small uniform distance from the socket surface. Therefore, Applicants submit that the combined references do not teach or suggest all of the limitations of the amended claims. Because the combined references do not teach or suggest all of the limitations of the amended claims, the rejections under 35 U.S.C. 103 should be withdrawn.

### Conclusion

In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested. If there are further issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.

This amendment is accompanied by a Petition for Extension of Time (three months) and a check in the amount of \$510.00 as required under 37 C.F.R. 1.17. It is believed that this amendment does not necessitate the payment of any additional fees under 37 C.F.R. 1.16-1.17. If the amount submitted is incorrect, however, please deduct from Deposit Account No. 07-1969 the appropriate fee for this submission and any extension of time required.

Respectfully submitted,  
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